

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Monkton Road, 1100 ft. +/- ZONING COMMISSIONER  
W of c/l Manor Brook Road  
2111 Monkton Road \* OF BALTIMORE COUNTY  
10th Election District  
3rd Councilmanic District \* Case No. 94-90-A  
Anthony R. Preston, et ux  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 2111 Monkton Road in northern Baltimore County. The Petitioners/property owners, Anthony R. Preston and Prudence L. Preston seek variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing shed (12 ft. x 30 ft. x 10 ft. in dimension) in the front yard in lieu of the required rear yard.

This matter was originally filed as a Petition for Administrative Variance, pursuant to Section 26-127 of the Baltimore County Code. Therein, authority is granted to the Zoning Commissioner to grant certain variances without a public hearing. These administrative variances may be granted when application for same is made by an individual who resides on and owns the subject property. However, if a request for public hearing is made by any neighbor who resides within 1,000 ft. of the subject property or if a hearing is determined necessary in the discretion of the Zoning Commissioner, a public hearing will be scheduled to allow all parties to participate. In this case, although filed as an administrative variance, the matter was set for public hearing at the request of Mary V. Partridge, who resides immediately across the street from the subject property.

Appearing at the public hearing held for this case were Anthony R. and Prudence L. Preston, Petitioners. Also appearing was Everett Partridge and Mary V. Partridge who reside at 2000 Monkton Road. Also participating was Joan Morgan of 2114 Monkton Road and Milton Hill who resides at 16402 Falls Road.

Mr. Preston testified at the hearing and presented the plan. That plan shows that the subject property is 1.415 acres in area and is zoned R.C.4. The subject lot adjoins Monkton Road, not far from the intersection of Monkton Road and Falls Road. The property is within the Manor Brook subdivision, a small residential community of single family houses in this rural portion of the County.

Mr. Preston also noted that he has resided on the property for approximately 2 to 3 years. Shortly after his acquisition, he constructed a single family dwelling which is located towards the rear of the property. This dwelling is an attractive 2 story building which includes a garage. It is significant to note that the subject property is steeply sloped and rises significantly from Monkton Road. Thus, the house is set on the rear of the site and overlooks the front yard. Moreover, there is little usable rear yard in view of the severe slope. As to the subject shed, it is an old structure which apparently predates the house. In fact, Mr. Preston stated that the existing shed replaced a smaller structure. Additionally, Mr. Preston argues that the shed should be allowed to remain where it is located due to the topography of the property. He notes that it is necessary to store a tractor to maintain the property and that the front yard is the only portion of the property which can accommodate a shed due to the severe slopes.

The neighbor across the street, Mary Partridge, testified in opposition to the request. She does not object to the house and believes that same is attractive and improves the neighborhood. However, she is concerned about the storage of commercial and similar equipment around and near the shed. In that same is located in the front yard, she believes that it is easily visible from Monkton Road and her property.

These sentiments were shared by Milton Hill who also lives nearby. He believes that if additional storage space was needed, the house or garage should have been enlarged to accommodate same. Mr. Hill also noted that the subject property is presently for sale, a fact which I corroborated during a site inspection.

In considering any variance, I am required to adjudge the merits of same in accordance with the standards set forth in Section 307 of the B.C.Z.R. Therein, it is provided that an area variance may be granted only if the property owner adduces evidence and testimony that a denial of same would result in practical difficulty or unreasonable hardship. Moreover, relief can be granted only if within the spirit and intent of the regulations and so as not to adversely affect the surrounding locale. Applying these tests to the present case, I am not persuaded that the Petitioners have met their burden. I am appreciative of the topography of the site and if a shed is necessary the same might, by necessity, be located in the front yard. Nonetheless, I cannot approve the present request due to several factors. First, it is clear that the shed has existed on this site for some time and predates the house. Thus, it is clear that the shed was not built as accessory to the house. Indeed, one wonders why the house, which came after the shed, was not constructed to such a dimension so as to provide the necessary storage space. Second, the Petition-

ers' testimony as to their need for the shed is questionable, particularly in view of the pending sale of the house. There was no compelling testimony that future owners may need the shed. Last, the subject shed is unattractive and detrimental to the locale. A more attractive structure, properly screened, may be appropriate. The present building is not. For these reasons, I believe that the Petition for Variance should be denied. Should a subsequent owner wish to construct a shed on the property, reap-plication for a variance may be appropriate. However, the present shed, where located, should not be allowed.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the request requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of January, 1994 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing shed (12 ft. x 30 ft. x 10 ft. in dimension) in the front yard in lieu of the required rear yard, be and is hereby DENIED.

1. The Petitioners shall remove the existing shed within 90 days from the date of this Order.
2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LKS/mm

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 27, 1994

Mr. and Mrs. Anthony R. Preston  
2111 Monkton Road  
Monkton, Maryland 21111

RE: Case No. 94-90-A  
Petition for Variance  
Property: 2111 Monkton Road

Dear Mr. and Mrs. Preston:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. and Mrs. Everett Partridge  
cc: Mrs. Joan Morgan  
cc: Mr. Milton Hill



Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County  
for the property located at 2111 MONKTON ROAD  
which is presently zoned RC.4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 400.1 To permit an existing shed 12 ft. x 30 ft. x 10 ft. in the front in lieu of the rear yard location.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
*Because of the topographical slope, the existing house is higher in the rear. The only flat piece of land sits down in the front corner of the house. The only place reasonable to put a shed.*

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Price

(Type or Print Name)

Signature

Address

City

State

Signature

Address

City

State

Signature

Address

City

State

With do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

ANTHONY R. PRESTON

Signature

Address

PRUDENCE L. PRESTON

Signature

Address

2111 MONKTON RD. 472-3460

Monkton, MD 21111

Name, Address and phone number of representative to be contacted

Signature

Address

City

State

Signature

Address

City

State

Signature

Address

City

State

Signature

Address

City

State

Affidavit in support of  
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) presently reside at 2111 MONKTON RD.

Monkton, MD 21111

That based upon personal knowledge, the following are the facts upon which I have based the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

*Because of the topographical slope, the existing house is higher in the rear. The only flat piece of land sits down in the front corner of the house. The only place reasonable to put a shed.*

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a retreating and advertising fee and may be required to provide additional information.

Signature

Address

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of August, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ANTHONY R. PRESTON and PRUDENCE L. PRESTON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their knowledge and belief.

AS WITNESS my hand and Notarial Seal

8/20/92

My Commission Expires: 10-1-96

EXAMPLE 3 - Zoning Description - 3 copies

ZONING DESCRIPTION FOR 2111 MONKTON RD. (address)  
Election District 10 Councilmanic District 3

Beginning at a point on the South side of

Monkton Road (north, south, east or west)

which is 70' (number of feet of right-of-way width)

wide at a distance or 100' west (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street: MANOR BROOK RD. (name of street)

which is 50' wide. \*Being Lot # 3 (number of feet of right-of-way width)

Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of

Manor Brook as recorded in Baltimore County Plat

(name of subdivision)

Book # 34, Folio # 54, containing

1.415 Ac. (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description above, instead state: "As recorded in deed Liberate, Folio # \_\_\_\_\_ and include the measurements and directions (metes and bounds, etc.) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 327.7 ft., S. 18° 03' 27.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: 9/14/93  
Posted for: Anthony R. Preston  
Petitioner: Anthony R. Preston  
Location of property: 2114 Monkton Road, S/S, 1100' W of Manor Brook Rd  
Location of Sign: Being removed, as property to be removed  
Remarks:  
Posted by: [Signature] Date of return: 9/17/93  
Number of Signs: 1

**BALTIMORE COUNTY, MARYLAND**  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 9/27/93 ACCOUNT: Real Estate  
AMOUNT: \$40.00  
RECEIVED FROM: JOAN MORGAN  
FOR: 2114 Monkton Road  
VALIDATION OR SIGNATURE OF CASHIER: [Signature]

**REQUEST FOR HEARING**

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:  
Re: Case Number: Variance 94-90A  
Petitioner(s): 2111 Monkton Road  
Location: Monkton, Maryland 21111  
1/MS Joan Morgan  
2114 Monkton Road  
Monkton, Maryland 21111 Office 528-4023  
which is located approximately 25 to 30 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.  
Signature: [Signature] Date: 9/21/93

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT ORDER FOR DIRECT PAYMENT

Number DP-513207  
Date: February 17, 1994

PAYEE'S NAME AND ADDRESS	DESCRIPTION	CHECK AMOUNT
Joan Morgan	Refund of "Request for Hearing"	\$40.00
2114 Monkton Road	Fee (Case No. 94-90-A)	
Monkton, MD 21111	(Miscellaneous Cash Receipt)	

TYPE CODE (SEE REVERSE): 20 NEW VENDOR FEDERAL ID #

LN	PURCHASE ORDER	LN	VENDOR INVOICE	FUND AGENCY	ORG	SUB ORG	OBJ	REV SOURCE	SUB REV	REPT CATG	SS ACCT	AMOUNT	D	P
01				001	006		6100					\$40.00		

REQUESTED BY: Office of Zoning Administration and Development Management  
NAME OF AGENCY OR DEPARTMENT: MSF 1100  
☐ Send Check to Above Department  
☐ Mail Check to Payee  
☐ Enclosure to be Mailed with Check  
APPROVED SIGNATURE: [Signature] DATE: February 17, 1994  
OFFICE OF FINANCE DATE: \_\_\_\_\_

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 10/7, 1993  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/7, 1993.

THE JEFFERSONIAN,  
A. Henrichsen  
LEGAL AD. - TOWSON  
Publisher

TO: PETITIONER PUBLISHING COMPANY  
October 7, 1993 Issue - Jeffersonian  
Please forward billing to:  
Anthony and Prudence Preston  
2111 Monkton Road  
Monkton, Maryland 2111  
410-472-3460

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
CASE NUMBER: 94-90-A (Item 94)  
2111 Monkton Road  
S/S Monkton Road, 1100' +/- W of c/l Manor Brook Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Anthony Preston and Prudence Preston  
HEARING: WEDNESDAY, NOVEMBER 3, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit an existing shed 12 ft. x 30 ft. x 10 ft. in the front in lieu of the rear yard location.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

111 West Chesapeake Avenue  
Towson, MD 21204

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Variance to permit an existing shed 12 ft. x 30 ft. x 10 ft. in the front in lieu of the rear yard location.

Arnold Jablon  
Director

cc: Anthony and Prudence Preston  
Mary V. Partridge  
Joan Morgan

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

111 West Chesapeake Avenue  
Towson, MD 21204

Baltimore County Government  
Office of Zoning Administration  
and Development Management

October 22, 1993

Mr. and Mrs. Anthony R. Preston  
2111 Monkton Road  
Monkton, Maryland 21111

RE: Case No. 94-90-A, Item No. 94  
Petitioner: Anthony R. Preston, et al  
Petition for Administrative Variance

Dear Mr. and Mrs. Preston:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**Maryland Department of Transportation**  
State Highway Administration

James L. Smith  
Secretary  
H. Russell  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro 563-0451 D.C. Metro 1-800-482-1062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21201-0217



**Plat to accompany Petition for Zoning** ☒ **Variance** ☐ **Special Hearing**

PROPERTY ADDRESS: 2111 MONKTON ROAD

Subdivision name: MANOR BROOK

plat book 31, folios 54 and 3, sections           

OWNER: ANTHONY & BURENCE PRESTON

MONKTON RD. (TO FRAP N/W)

200.00' x 500.00' x 500.00'

60'

30'

1100.0'

MANOR BROOK RD.

# 2107

EX. P.W.

FRONT

2111

10'

EX. P.W.

2111

2111

94-90-A

North

date: 5/4/93

prepared by: A. Preston

Scale of Drawing: 1" = 200'

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL INFORMATION

FALLS RD.

MONKTON RD.

SITE

MANOR BROOK RD.

LOCATION INFORMATION

Election District: AD

Councilman's District: 3

1"-200 scale map: NE 26 A

Zoning: RC 4

Lot size: 1,476 square feet

SEWER: ☐ ☐ ☐

WATER: ☐ ☐ ☐

Chesapeake Bay Critical Area: ☐ ☐ ☐

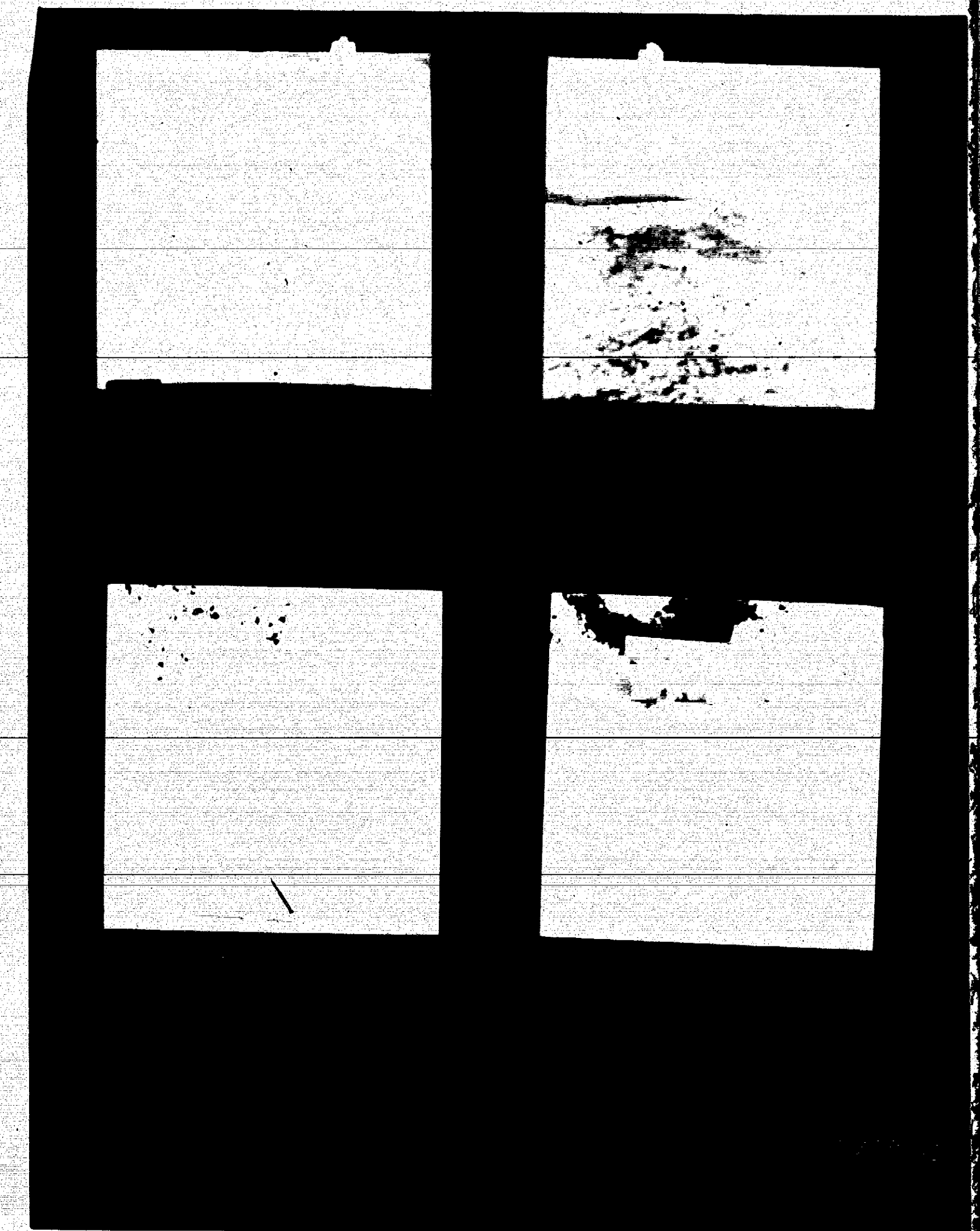
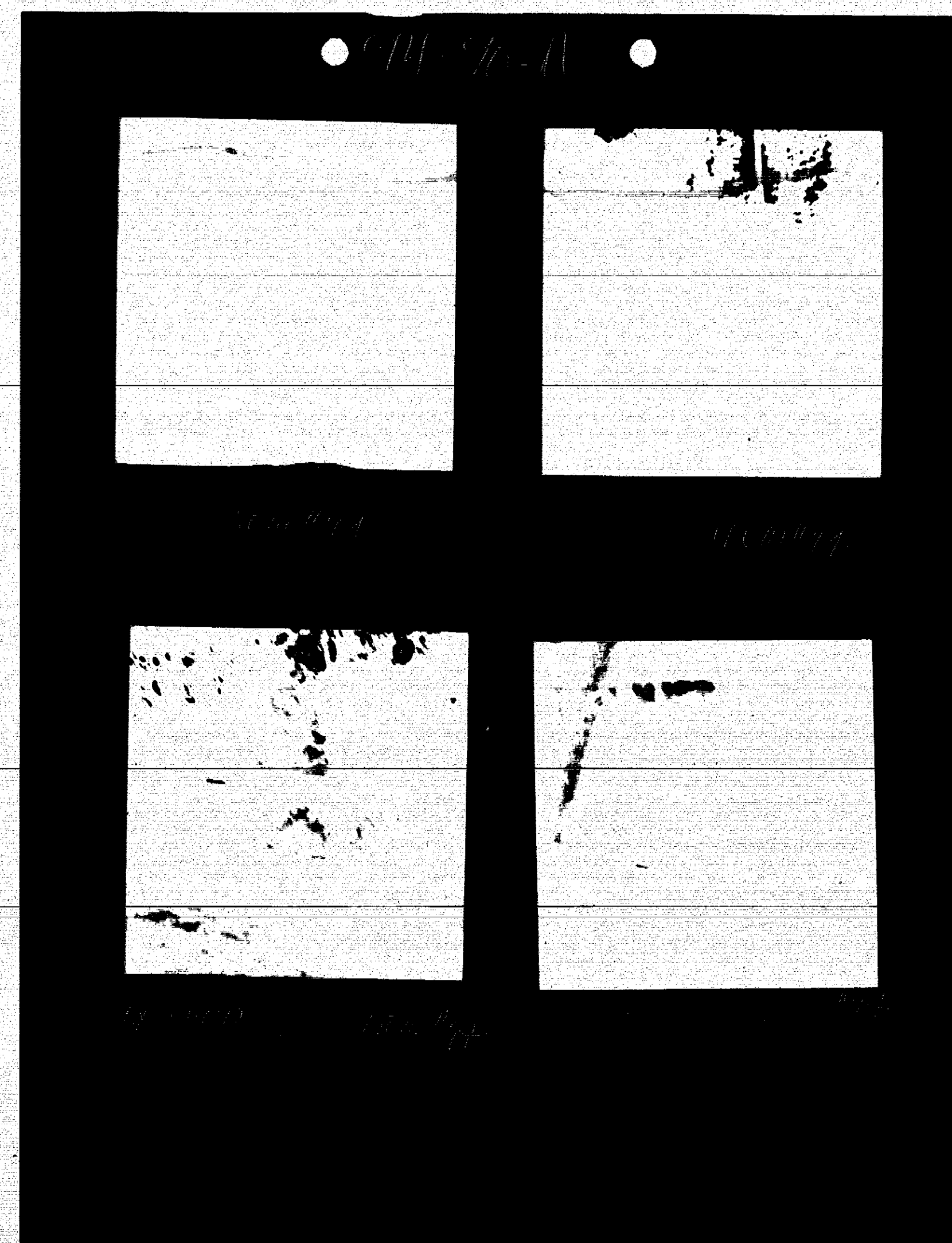
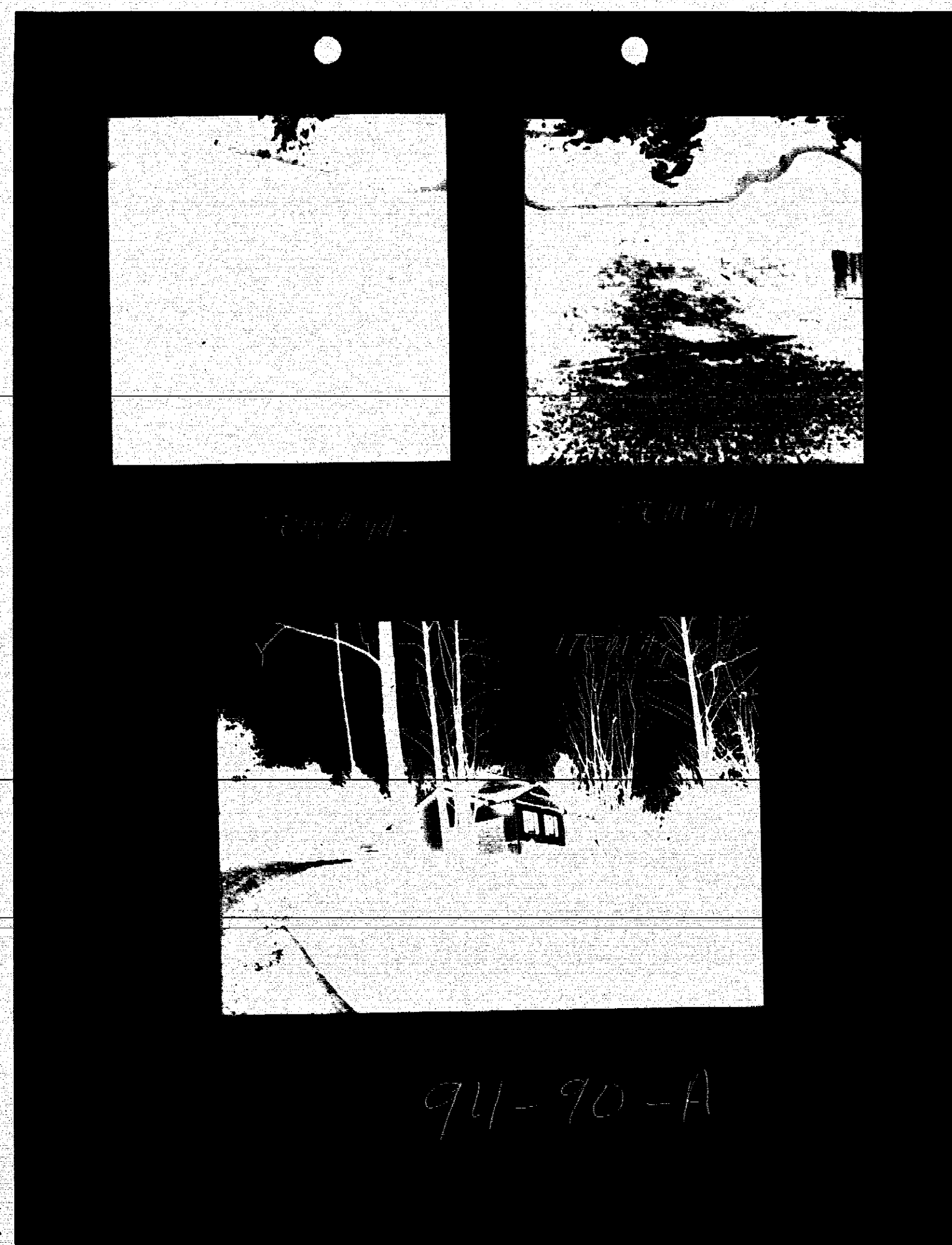
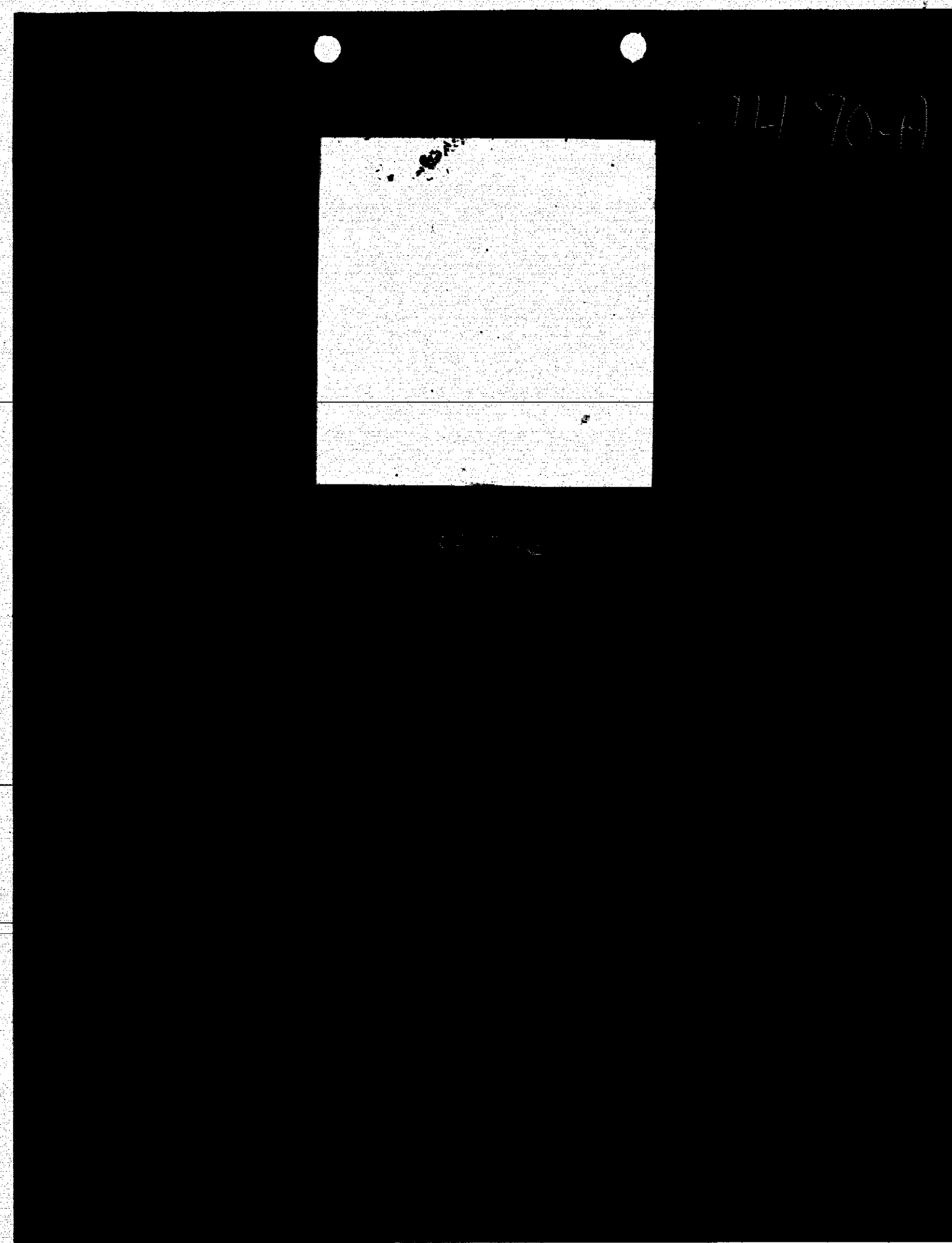
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

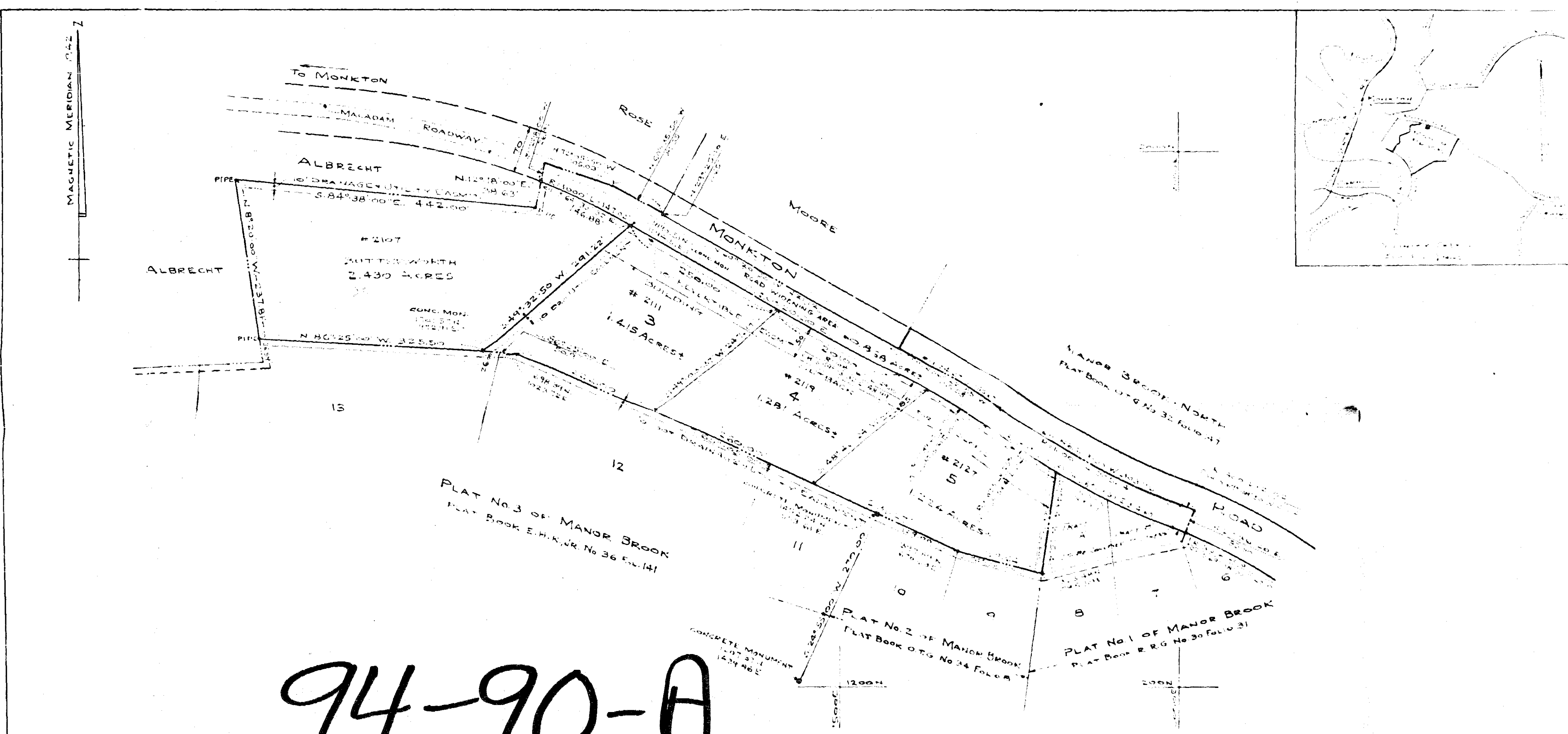
reviewed by: ITEM # CASE#:

74









94-90-A

ITEM #94

APPROVED FOR BALTIMORE CO. HEALTH DEPT.  
 BY: J. J. [Signature] DATE: 1/14/76  
 HEALTH DEPARTMENT OF BALTIMORE CO.  
 APPROVED FOR BALTIMORE CO. PLANNING BOARD  
 BY: [Signature] DATE: 1/14/76

NOTES:  
 THE STREETS AND ROADS SHOWN HEREON AND THE MENTION THEREOF  
 HEREIN ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE  
 NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FILE SIMPLE TITLE  
 THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO  
 WHICH THIS PLAT IS ATTACHED THEIR HEIRS AND ASSIGNS.  
 COMMUNITIES SHOWN HEREON ARE ASSUMED. (REMARKS ARE MAGNETIC (1945)  
 OWNERS CERTIFICATION  
 THE REQUIREMENTS OF SECTIONS 51 TO 62 INCLUSIVE OF ARTICLE 17 OF THE  
 ANNOTATED CODE OF MARYLAND 1957 EDITION, TITLE CLERK'S OFFICE  
 (CITING CLERK'S OFFICE OF BALTIMORE COUNTY) AS FAR AS THEY RELATE TO THE MAKING  
 OF THIS PLAT AND SETTING OF MARKS HAVE BEEN COMPLIED WITH.

SIGNER: Robert F. Fahy  
 MINIMUM 50 FOOT SIDEYARD BUILDING SETBACK

DENSITY CALCULATIONS

1. GROSS ACREAGE OF TRACT	4.788 ACRES ±
2. NUMBER OF LOTS	3
3. GROSS RESIDENTIAL DENSITY	0.63
4. EXISTING ZONING OF TRACT	R.O.P.

F.H.A. PL. 39 FOLIO 54

MAR 01 1976

John T. Elwell

PLAT NO. 5  
 OF  
 MANOR BROOK  
 10TH DISTRICT - BALTIMORE COUNTY - MD.

OWNERS  
 ROBERT F. FAHY & WIFE  
 MONKTON, MARYLAND

John T. Elwell Nov. 10, 1975  
 LAND INDUSTRY REGISTRATION No. 2882

SCALE: 1" = 100' NOVEMBER 10, 1975

DULLENBERG, GERHOLD, CROSS & EYELL  
 SURVEYORS & CIVIL ENGINEERS  
 412 DELAWARE AVE. TOWSON, MD.





2.2

ITEM # 94

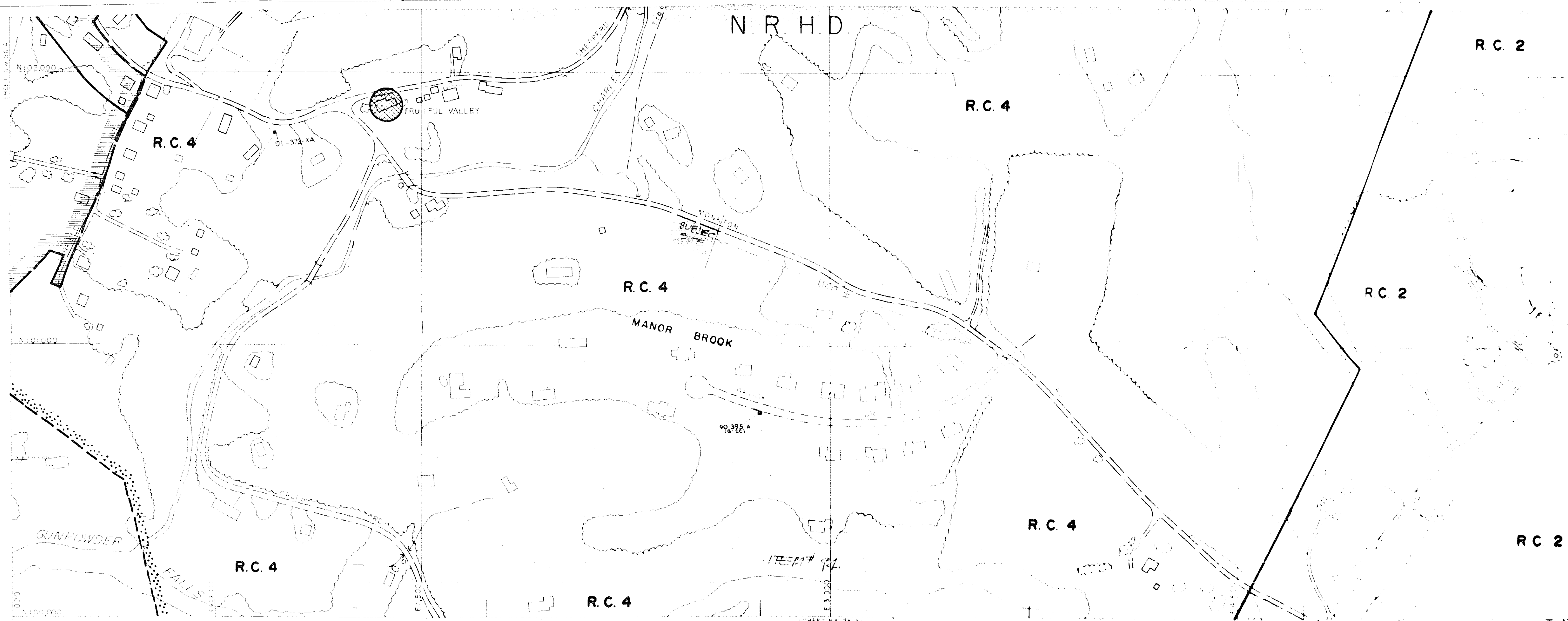
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
MONKTON

SHEET  
N E  
26-A

PREPARED BY AIR PHOTOGRAPHICS, INC.  
HARTISBURG, W. V. 25401



HH-SE II-SW  
DD-NE EE-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Baltimore County Council  
Chairman, County Council

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Baltimore County Council  
Chairman, County Council

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
MONKTON

SHEET  
N E  
26-A

94-90-A